

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REBECCA LOPPICOLO AYERS,
individually and on behalf of herself and all
others similarly situated,

Plaintiff,

v.

CHERRY HILL PROGRAMS, INC.,

Defendant.

No. 1:20-cv-00493-DAD-BAM

ORDER DISMISSING THIS ACTION
PURSUANT TO THE PARTIES'
STIPULATION FOR VOLUNTARY
DISMISSAL OF THIS ACTION WITHOUT
PREJUDICE

(Doc. No. 21)

On June 24, 2022, the parties filed a stipulation requesting voluntary dismissal of this putative class action pursuant to Federal Rule of Civil Procedure 41(a).¹ (Doc. No. 21.) In particular, the parties stipulated and agreed to dismissal of this action, without prejudice, and with each party to bear their own attorney's fees and costs. (*Id.* at ¶ 10.)

Pursuant to the parties' stipulation (Doc. No. 21) and good cause appearing, it is hereby ordered that:

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¹ In their stipulation, the parties invoke Rules 41(a)(2), which provides for actions to be dismissed "only by court order, on terms that the court considers proper." (Doc. No. 21 at ¶ 10.) The court notes that the parties' stipulation appears to be "a stipulation of dismissal signed by all parties who have appeared" and therefore could be dismissed under Rule 41(a)(1) without entry of a court order. Fed. R. Civ. P. 41(a)(1)(ii). Nevertheless, the court will address the parties' stipulation in this order.

- 1 1. This action is dismissed, without prejudice;
- 2 2. The parties shall bear their own fees and costs in this action; and
- 3 3. The Clerk of the Court is directed to close this case.

4 IT IS SO ORDERED.

5 Dated: June 27, 2022

Dale A. Drayd
6 UNITED STATES DISTRICT JUDGE

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